

REMARKS

Claims

Claims 1-6 are cancelled without prejudice or disclaimer and claims 7-14 added by this paper.

New claims

Support for the new claims can be found in the entirety of the disclosure contained in Applicants' instant specification, as originally filed. See, for example, page 8 of the instant specification and the disclosure contained in Fig. 1. New claims 13-14 are supported by the disclosure contained in, for example, the paragraphs bridging pages 8 and 10 of the instant specification.

It is respectfully submitted that the claim amendments do not raise new matter.

Rejections under 35 U.S.C. §102(b)

The rejections under 35 U.S.C. §102(b) as allegedly anticipated by Matoba et al. (*Agricultural and Biological Chemistry*, 34, 1235-1243), Zucht et al. (*FEBS Letters*, 372, 185-188, 1995), Brignon et al. (*FEBS Letters*, 76, 274-279, 1977) and Garault et al. (*JBC*, 277, 32-39, 2002) are respectfully traversed.

Matoba disclose bitter peptides (BP-I, BP-II, and BP-III) that are retrieved via sephadex G-25 column chromatography coupled to ion-exchange/paper chromatography of peptide products retrieved after hydrolysis of casein. See, sub-sections (d), (e), and (f) of the RESULTS sections of the cited reference. Manitoba does not teach peptide fractions recited in Applicants' claims, for example, a peptide fraction comprising a polypeptide whose sequence is set forth in SEQ ID NO: 1, SEQ ID NO: 2, SEQ ID NO: 3, and/or SEQ ID NO: 5. The cited reference is silent as to the recited reverse phase HPLC method and the activity of said peptides against angiotensin converting enzyme (ACE). Since not all aspects of the instant claims are taught or recited in Matoba, the cited reference cannot anticipate. Withdrawal of the rejection is respectfully requested.

The rejection based on Zucht et al. is traversed inasmuch as the casocidin-I peptide recited in Figure 2 at page 187 of the cited reference is longer than the instantly claimed peptides. Furthermore, Zucht's polypeptide elutes at a different time compared

to the instantly claimed peptide of SEQ ID NO: 5. See, Fig. 1 of Zucht et al. It is therefore courteously submitted that Zucht's casocidin-I polypeptide comprising 39 amino acid residues fails to anticipate the instantly claimed polypeptides. As such, the rejection must be withdrawn.

Brignon teaches the complete primary structure (i.e., polypeptide sequence) of α_{s2} casein. See, Fig. 2 and Fig. 3 at pages 275–277 of the cited reference. A skilled artisan would instantly recognize that the sequence recited in Brignon is longer than the instantly claimed polypeptide sequence(s). In Section 3.2.1 at page 275, the cited reference teaches that a tryptic digest results in several fragmented peptides (labeled T1, T2, etc). However, Brignon fails to teach or disclose the specific peptide sequence(s) recited in Applicants' claims. Moreover, the cited reference is silent with respect to the peptide fractions recited in the claims and the activity thereof, for example, against ACE. Since not all aspects of the instant claims are taught or recited in Brignon, the cited reference cannot anticipate. As such, the pending rejection over Brignon et al. must also be withdrawn.

Garault is drawn to transport of milk-derived oligopeptide activity in *S. thermophilus* bacteria. See, the INTRODUCTION section of the cited reference. There is no mention of peptide fraction(s) and/or composition(s) thereof as recited in the claims. For example, the cited reference fails to teach a peptide fraction comprising the polypeptide of SEQ ID NOs: 1-5, the structure of which is presented in the sequence listing page. Garault therefore fails to anticipate the instantly claimed subject matter. As such, the rejection must be withdrawn.

All the rejections must therefore be withdrawn.

Rejections under 35 U.S.C. §101/§112, second paragraph

The rejections, not specifically discussed herein, are moot in view of the claim amendments. Withdrawal of the rejection is respectfully requested.

Rejection under 35 U.S.C. §112, first paragraph

Item 9 of the Office Action alleges that the "specification, while being enabling for making a food product, does not reasonably provide enablement for using the product to prevent hypertension." It is respectfully submitted that the rejection is moot in view of the amendments. Withdrawal of the rejection under 35 U.S.C. §112, first paragraph, is

respectfully requested.

In view of the above-mentioned arguments and amendments, it is respectfully submitted that the claims in the application are in condition for allowance. However, if the Examiner has any questions or comments, he is cordially invited to telephone the undersigned at the number below.

The Commissioner is hereby authorized to charge any fees associated with this response to Deposit Account No. 13-3402.

Respectfully submitted,



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